

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/507,478	MALVAR ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Paul Callahan	2137	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Interview held 2-22-06.
2. ☒ The allowed claim(s) is/are 25-27 and 29-35.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____</li> </ol> |
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**DETAILED ACTION**

***Response to Amendment***

1. The Applicant presented a request for reconsideration of the finality of the rejections of the claims as found the previous Office action. The request was presented in an interview conducted 2-22-06 with the Applicant's Representative and is detailed in the interview summary included as part of this Office Action. An Examiner's Amendment was agreed to in the interview wherein certain claims would be cancelled and changes made to the language of other claims. Taken together, this is persuasive in overcoming the outstanding rejections of the claims and, therefore, the finality of that action is withdrawn.

2. Claims 1-51 and 53-60 were pending in this application at the time of the previous Office Action. Claims 1-24, 28, 36-51, and 53-60 are cancelled by the Examiner's Amendment presented infra and agreed to in the interview held 2-22-06 with the Applicant's Representative. Therefore claims 25-27 and 29-35 are pending and have been examined.

***Allowable Subject Matter***

3. Claims 25-27 and 29-35 are allowed.

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4. The following is an examiner's statement of reasons for allowance:

The closest prior art in the field, Hogan US 6,047,069, and Nicolai US 4,188,580, do not teach the combination of features found in the claimed invention of using first and second keys to produce scrambled content, where the content scrambler embeds the first key into the scrambled content, and then provides the scrambled content and the second key to a client on separate channels, where a content descrambler uses the first and second keys to recover the content, and where the content scrambler is implemented at the client such that the content is scrambled at the client after distribution from the content provider. The particularly novel and non-obvious feature is the implementation of the content scrambler at the client location, in combination with the other claim limitations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **EXAMINER'S AMENDMENT**

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Emmanuel Rivera on 2-22-2006.

6. The application has been amended as follows:

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In The Claims:

Claims 1-24, 28, 36-51, and 53-60 are cancelled.

Claim 25 is amended to read as follows:

A scrambling architecture for protecting content distributed by a content provider over a network to a client, comprising: a content scrambler to scramble the content using first and second keys to produce scrambled content, the scrambler embedding the first key into the scrambled content and passing the second key on a separate channel from the scrambled content; and a content descrambler to recover the first key from the scrambled content and to receive the second key, the descrambler unscrambling the scrambled content using the first and second keys to recover the content, and wherein the content scrambler is implemented at the client, so that the content is scrambled at the client after distribution over the network from the content provider.

**Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Emmanuel Moise, can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is: (571) 273-8300.

2-26-06

*Paul Callahan*

*E. Moise*  
EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER